

Conditions for the media in Ecuador continued to decline in 2014, as President Rafael Correa and his administration openly disparaged and attacked private outlets and journalists. The enforcement of a 2013 Communication Law that enabled more intrusive regulation of the media continued to threaten freedom of expression and added to a hostile environment characterized by self-censorship, intimidation, and legal sanctions. Four newspapers shut down their print editions in 2014, decreasing diversity in the press.

Legal Environment

While the constitution provides for freedoms of speech and the press, these rights are curtailed in practice. The president and other government figures regularly undermine legal protections and contribute to a hostile environment for the press by targeting journalists and media outlets with aggressive rhetoric. In November 2014, during one of his national television broadcasts, Correa tore up a copy of the newspaper *La Hora* and denounced what he called the “corrupt press.” It was the sixth time the president had torn up a newspaper on television since 2011.

Correa has filed several criminal and civil defamation cases against critical journalists in recent years. In 2013, a judge imposed 18-month prison sentences on opposition assembly member Cléver Jiménez and journalist Fernando Villavicencio, and a reduced sentence of six months on activist Carlos Figueroa, for allegedly defaming the president. The court also ordered a published apology to Correa and \$140,000 in compensation. In December of that year, police seized computers from the homes of both Jiménez and Villavicencio; Correa publicly admitted that he had ordered the searches. The prison sentences were upheld on appeal in March 2014, and arrest warrants were issued for the defendants. Figueroa was arrested in July and began serving his sentence, while Jiménez and Villavicencio went into hiding.

The legal environment became more restrictive in 2014 as enforcement of the 2013 Communication Law gained momentum. Among other provisions, the legislation created powerful media and telecommunications regulatory bodies—the Superintendency of Information and Communication (SUPERCOM) and the Council for the Regulation and Development of Information and Communication (CORDICOM). These two agencies began formally monitoring the media for legal compliance during 2014. The 2013 law imposed a range of vaguely worded content restrictions, codified a right to receive information that is “verified, contrasted, precise, and contextualized,” and introduced the concept of “media lynching”—defined as the repeated dissemination of information intended to harm a person’s reputation or credibility. It also requires journalists to possess professional qualifications. Finally, the law distributes broadcasting licenses equally between private, community, and public stations, but there are no guarantees of public broadcasters’ independence from government influence.

SUPERCOM became involved in a high-profile case in January 2014, after the independent daily *El Universo* published a cartoon in December satirizing the government’s recent search of Villavicencio’s home, prompting Correa to call the cartoonist, Xavier Bonilla (Bonil), an “ink assassin” in a televised speech. In late January, SUPERCOM determined that *El Universo* had violated Article 25 of the Communication Law, which prohibits media from taking a position on the guilt or innocence of people involved in lawsuits. The paper was fined 2 percent of its revenue for the previous three months, and was given 72 hours to run a correction.

Over the course of 2014, a number of other press groups were fined or sanctioned for failing to comply with the 2013 law. The local press freedom organization Fundamedios recorded a total of 113 cases of judicial or administrative harassment of the media in 2014, including sanctions imposed by SUPERCOM. In May, complaints were filed against four newspapers for failing to report in sufficient detail on Correa's official visit to Chile. The coverage allegedly violated an article of the Communication Law that bans "prior censorship." In November, *Diario Extra* was sanctioned for the fifth time, for failing to avoid "morbid" content when it reported on a Malaysian airliner destroyed over Ukraine. Later that month, the newspaper *Expreso* was fined 2 percent of its quarterly revenue on the grounds that an apology it published for an earlier infraction—regarding coverage of financial losses at an oil refinery—was inadequate. In addition, when *Expreso* covered the *Diario Extra* sanctions, SUPERCOM demanded a correction, saying the paper misrepresented the exact reasons for *Extra*'s punishment.

Observers noted that SUPERCOM did not appear to enforce the 2013 law as strictly when progovernment media were the subjects of complaints. A series of complaints filed against the state-owned newspaper *El Telégrafo* were reportedly dismissed.

A new criminal code that took effect in August 2014 included provisions that could limit freedom of expression, such as restrictions on social protests; broad privacy protections that prohibit the unauthorized dissemination of personal information, with no exception for issues of public interest; and a ban on disseminating false information about the economy that may cause "economic panic."

Access to information is guaranteed in the constitution and by the 2004 Transparency and Access to Public Information Law, but critics have found that government officials often fail to adhere to the law. A new monetary and financial code passed in July 2014 granted an oversight board the authority to designate various types of information as confidential and established penalties for disclosure, prompting media groups to warn that it contradicted the access to information law.

The National Telecommunications Council (CONATEL), the broadcast licensing body, lacks independence from the political leadership. It is part of the Telecommunications Ministry, and the telecommunications minister doubles as the head of CONATEL.

A June 2013 presidential decree granted the government new powers to intervene in the operations of civil society organizations, including the authority to forcibly dissolve them; observers saw the decree as a potential threat to media watchdog groups, among others. In January 2014, SUPERCOM used the decree to assume administrative supervision of Fundamedios and request extensive financial records from the group. Separately, the Ecuadorian government has consistently questioned the independence and pushed to reduce the funding of the Inter-American Commission on Human Rights (IACHR) special rapporteur for freedom of expression.

Political Environment

Privately owned stations are encouraged but not required to air Correa's weekly television and radio broadcast. In practice the program is widely transmitted, and the president routinely uses it as a platform to rebuke critics and independent media. Separately, private outlets are obliged by law to disseminate official statements and programs—called *cadenas*—for up to one hour a day, often interrupting news programming. *Cadenas* were repeatedly used to discredit specific journalists during 2014. In July, the

National Secretariat of Communication (SECOM), an executive agency, began issuing a series of short cadenas in which citizens critiqued prominent reporters or news anchors. The broadcasts closed with the phrase, “This is the true freedom of expression.”

The president and other government officials have limited their exposure to media outlets perceived as unfriendly or disloyal. During an August 2014 appearance in the city of Loja, Correa reportedly rebuked a journalist for asking a question that was not approved in advance.

The threat of legal and administrative actions has resulted in rising self-censorship by the media. Official censorship has also increased, particularly online, as a number of critical journalists have moved to internet-based outlets in recent years. Fundamedios reported at least five cases of prior censorship and 17 instances of online censorship in 2014. Online censorship spiked near the end of the year with the suspension of Twitter accounts and deletion of online content, including videos and photographs posted on social media. Freedom of expression advocates have noted the involvement of Ares Rights, a Spanish company that has exploited copyright law and the takedown policies of international social-media platforms to suppress critical content about the Ecuadorian authorities, apparently on their behalf.

Under the Communication Law, to avoid liability for user comments, media outlets are required to either set up mechanisms for commenters to register their personal data or create systems to delete offensive comments. The law also prohibits outlets from using information disseminated by anonymous sources via social media.

Diversity of opinion in the media was further reduced in 2014 with the closure of four print outlets—*Hoy*, two regional editions of *La Hora*, and *El Meridiano*. They continued to operate online. *Hoy* and *La Hora* cited government pressure and eroded press freedom under the Communication Law as contributing factors in their decisions to cease production. Days after *Hoy*’s announcement, SUPERCOM punished it with a \$57,800 fine for failing to publish the number of copies in circulation over the previous two months.

The frequency of intimidation, harassment, and attacks on journalists and media outlets rose sharply in 2014. Fundamedios documented 254 incidents of verbal, physical, or legal harassment of the media by authorities and ordinary citizens during the year 2014—the largest annual number since the group began counting in 2008 and a 46 percent increase from 2013. Of these, 15 cases were physical in nature. Some 125 cases of harassment toward media outlets were reported, with 110 targeting private media and 10 aimed at government-owned outlets. Fundamedios reported 60 cases of harassment against individual journalists and media workers. Correa, other public officials, and state or judicial entities were the “principal aggressors,” according to the organization, accounting for nearly all of the year’s incidents.

Economic Environment

The majority of media outlets, both print and broadcast, are privately owned. A total of 61 media outlets are recognized as national, with a reach beyond their immediate locality. However, the government controls, directly or indirectly, a growing share of the media sector, including television and radio stations, print outlets, and a news agency. The internet, an increasingly important news medium, was accessed by about 40 percent of the population as of 2013, with most users living in urban areas.

Ownership concentration within the private media is a problem. In December 2014, it was reported that Mexican media mogul Remigio Ángel González was buying *El Comercio*, Ecuador’s oldest and most recognized newspaper. González already owned 13 television channels and radio stations in Ecuador and

was expected to change the editorial tone of *El Comercio*, which has been critical of the government. Foreign ownership of communication outlets was initially illegal under the Communication Law, but Correa passed an implementing regulation in late 2013 that revised the relevant article and allowed foreigners from countries that had signed certain cooperative agreements with Ecuador to own national media. Journalists and outside watchdog groups expressed concern that the sale of *El Comercio* would further limit media diversity.

The government is the country's largest advertiser and generally grants ad contracts to outlets that provide favorable coverage. In 2012, Correa directed his press secretary to withdraw public advertising from what he called "mercantilist" media outlets, including the newspapers *Hoy*, *El Comercio*, *El Universo*, and *La Hora*, and the television stations Teleamazonas and Ecuavisa. The intrusive regulations and sanctions associated with the Communication Law have made it even more difficult for independent media to achieve financial sustainability and retain advertisers. Analysts say that businesses do not want to be associated with media targeted by the authorities, as they could lose state contracts or face government audits in reprisal. A 2011 antimonopoly law and the Communication Law also limit ownership and investment in media by nonmedia businesses.